



## FACT SHEET

March 2008



### Human Trafficking

#### Background

Human trafficking is a modern-day form of slavery. It is a crime that involves using force, fraud or coercion to recruit, harbor, transport, provide or obtain a person for the purposes of sexual or labor exploitation. It frequently involves the transportation of victims across international borders; however, persons can be trafficked within their own countries and even within their own communities. According to the United Nations, trafficking of humans is one of the largest and fastest growing international criminal activities.

The United States (U.S.) Department of State estimates between 17,500 and 18,500 victims are trafficked into the U.S. annually. Women and children comprise the largest group of victims but men are also subjected to trafficking. Many victims are forced to work in prostitution or in the sex entertainment industry; others are forced into indentured servitude in domestic, restaurant, janitorial, factory and migrant agricultural work. Traffickers employ various methods to instill fear in victims, to compel them to engage in activities against their will, and to keep them enslaved. These methods include debt bondage, threats, and physical violence against victims and/or their families.

#### Federal Legislation

In October 2000, the Trafficking Victims Protection Act of 2000 (TVPA), Public Law No. 106-386, made human trafficking a federal crime and made victims of a severe form of human trafficking eligible for federally-funded or administered benefits and services to the same extent as refugees. The TVPA was reauthorized and amended by the Trafficking Victims Protection Reauthorization Act of 2003

(TVPRA), Public Law No. 108-193. Effective December 2003, the TVPRA extended the eligibility for federally-funded or administered benefits and services to certain family members of victims.

#### State Legislation

Senate Bill (SB) 180 and Assembly Bill 22 (Chapters 239 and 240, Statutes of 2005) became law on January 1, 2006. This legislation made human trafficking a crime in California and established the California Alliance to Combat Trafficking and Slavery (CA ACTS) Task Force, which includes representatives from state and local government, law enforcement and stakeholder groups, and is chaired by a designee of the California Attorney General.

The purpose of the CA ACTS Task Force is to collect data on trafficking in California, and to develop recommendations to strengthen efforts to prevent trafficking, protect and assist victims, and prosecute traffickers. The findings and recommendations of the CA ACTS Task Force were submitted in a report titled *Human Trafficking in California*, dated October 2007. The report, released in December 2007, may be viewed online and/or ordered at the Attorney General's Crime and Violence Prevention Center website at [www.safestate.org/humantrafficking](http://www.safestate.org/humantrafficking).

SB 1569 (Chapter 672, Statutes of 2006) became law on January 1, 2007. This legislation extended eligibility for state-funded benefits and social services to trafficking victims (as well as victims of domestic violence and other serious crimes) to the same extent as those provided to refugees.

## **Benefits and Services**

### Federal Benefits

To be eligible for federally-funded benefits and services, an individual must be certified as a victim of a severe form of human trafficking. The U.S. Department of Health and Human Services, Administration for Children & Families (ACF), Office of Refugee Resettlement (ORR) is the federal agency responsible for certifying trafficking victims. The ORR provides information to state and local governments and service providers on the requirements for certification, the documents that victims of severe forms of trafficking are issued, and the procedures agencies should follow in confirming eligibility for benefits.

In order to receive certification, victims of trafficking must be willing to assist with the investigation and prosecution of traffickers. In addition, they must have completed a bona fide application for a T-Visa or they must have been granted continued presence status by U.S. Citizenship and Immigration Services (USCIS) for the purpose of contributing to the prosecution of the traffickers. Children under 18 years of age who have been subjected to a severe form of trafficking do not need to be certified in order to receive benefits; however, ORR will issue them a letter declaring them victims of a severe form of trafficking.

Persons certified by ORR as trafficking victims are eligible to receive federally-funded benefits and services including: Refugee Cash Assistance, California Work Opportunity and Responsibility to Kids (CalWORKs), Refugee Medical Assistance, Medi-Cal, Refugee Employment Social Services, Food Stamps, and other services to assist victims with adjustment and facilitate self-sufficiency. Certified trafficking victims are required to meet each program's income, resource and other eligibility requirements.

In April 2006, ORR contracted with the United States Conference of Catholic Bishops (USCCB) to provide services to victims of human trafficking. Under this contract, USCCB collaborates with subcontracted local agencies that have a demonstrated track record in

providing services to trafficking victims. The USCCB reimburses the local agencies for services to both pre-certified and certified trafficking victims on a case-by-case basis.

Before providing services, the local agencies must first request an authorization from ORR for each client. Funding is available for direct client services and administration costs. Funds for client services may be used to provide items or services to meet a victim's basic needs, such as shelter, food, clothing, and health and mental health care. Client services funds may also be used for items or services needed to move a victim toward self sufficiency, such as payment of legal fees, child care, English language training and job skills training.

### State Benefits

Effective January 1, 2007, SB 1569 was enacted to provide critical benefits and services to trafficking victims prior to certification by ORR. Under the new law, eligibility for state-funded benefits and services is extended to trafficking victims who:

- 1) have submitted an application for T-Visa to USCIS;
- 2) are preparing to submit an application for a T-Visa; or
- 3) are otherwise taking steps to meet federal benefits eligibility.

The state-funded benefits and services are equivalent to federally-funded benefits available to refugees and certified trafficking victims. Victims are required to meet all income, resource, time limits, and other program eligibility requirements. Eligibility for state-funded benefits will be terminated if the recipient:

- 1) has received a final administrative denial of his/her application for a T-Visa;
- 2) has not applied for a T-Visa from USCIS or has not had continued presence status requested on his/her behalf by law enforcement, within one year of applying for benefits; or
- 3) has been certified as a trafficking victim by ORR (in which case s/he would become eligible for federally-funded benefits and services).

For more information on benefits and services available to human trafficking victims, visit the Find Services page on the California Department of Social Services' website at:

[www.cdss.ca.gov/cdssweb/PG181.htm](http://www.cdss.ca.gov/cdssweb/PG181.htm)

To apply for benefits or services, contact the County Welfare Department (CWD) in the county where you live. For a complete listing of CWDs, visit the following website:

[www.cwda.org/aboutCWDA.htm](http://www.cwda.org/aboutCWDA.htm)

**To report suspected human trafficking, call the Trafficking Information and Referral Hotline at 1-888-373-7888.** This hotline can help you identify social service organizations and other resources available in your community to help protect and serve victims.

To find out more about Human Trafficking, visit the ACF's Campaign to Rescue and Restore Victims of Human Trafficking website at:

[www.acf.hhs.gov/trafficking/](http://www.acf.hhs.gov/trafficking/)